

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

LOWELL QUINCY GREEN, #518622

§

VS.

§

CIVIL ACTION NO. 6:18cv513

JOHN D. LOVE, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Lowell Quincy Green, an inmate confined in the Texas prison system, proceeding *pro se* and seeking to proceed *in forma pauperis*, brings this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge K. Nicole Mitchell who issued a Report and Recommendation (Dkt. #6) concluding that the lawsuit should be dismissed with prejudice for purposes of *in forma pauperis* proceedings pursuant to the “three strikes” provisions of 28 U.S.C. § 1915(g). Mr. Green has filed objections (Dkt. #9).

In his objections, Mr. Green challenges the finding that he has “three strikes.” Nonetheless, all of the cases and appeals that were dismissed as frivolous and/or for failure to state a claim were listed in the Report and Recommendation. The court has conducted a *de novo* review of the cases and appeals and has determined that Mr. Green has accumulated at least “three strikes.” Furthermore, Mr. Green has failed to allege any facts establishing that he

was under imminent danger of serious physical injury at the time he filed the lawsuit in order to trigger the exception provided by § 1915(g).

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Mr. Green to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and Mr. Green's objections are without merit. It is therefore

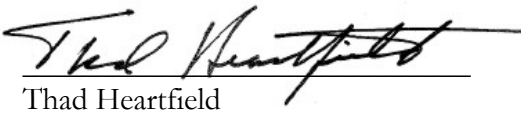
**ORDERED** that the Report and Recommendation (Dkt. #6) is **ADOPTED**. It is further

**ORDERED** that the complaint is **DISMISSED** with prejudice for purposes of *in forma pauperis* proceedings pursuant to 28 U.S.C. § 1915(g). It is further

**ORDERED** that Mr. Green's motion to proceed *in forma pauperis* (Dkt. #5) is **DENIED**. Mr. Green may resume the lawsuit if he pays the entire filing fee of \$400 within thirty days from the entry of the Final Judgment. Mr. Green is warned, however, that the lawsuit may be dismissed as frivolous even if he timely files the entire filing fee of \$400. It is finally

**ORDERED** that all motions not previously ruled on are **DENIED**.

**SIGNED** this the 8 day of **January, 2019**.

  
Thad Heartfield  
United States District Judge